IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9895 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KISHANLAL VAKTAJI PANCHAL

Versus

DISTRICT MAGISTRATE

Appearance:

MS DR KACHHAVAH for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/02/2001

ORAL JUDGEMENT

#. Challenge has been made by the petitioner to the order dated 25-8-2000 under which he was detained as a bootlegger.

#. Challenging the order of detention, learned counsel

for the petitioner raised manifold contentions but as this petition deserves to be allowed only on one ground, it is not necessary to refer, discuss and decide on all other contentions.

#. It is contended that the copies of the documents, namely, statements of witnesses recorded in the criminal complaints mentioned in para-12 of the special civil application have not been given to the petitioner and his right to make effective representation has been seriously prejudiced. This position is not controverted as the respondents have not filed reply. Not only this, otherwise also, the counsel for the respondents failed to satisfy to the Court on this grievance of the petitioner. It is a clear case where the petitioner has been denied of his right of making effective representation against the detention order as conferred upon him under Article 22(5) of the Constitution of India.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 25-8-2000 is quashed and set aside. The petitioner Kishanlal Vaktaji Panchal, detenu, at present in Baroda Central Jail at Baroda be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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zgs/-